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Interim Co-Lead Class Counsel for Plaintiffs

\*E-FILED - 11/29/07\*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

In re CONSECO INSURANCE CO.  
 ANNUITY MARKETING & SALES  
 PRACTICES LITIGATION

No. C-05-04726 RMW  
 And Related Cases

CLASS ACTION

STIPULATION AND [XXXXXXXXXXXXX] ORDER  
 REGARDING AMENDED COMPLAINT

This Document Relates to:

ALL ACTIONS.

1 The parties hereto, through their respective attorneys of record, stipulate as follows and  
2 request the Court to enter an order adjusting the current briefing schedule and hearing date on  
3 the motion to dismiss filed by Consecro, Inc., 40/86 Advisors, Inc., Consecro Marketing, LLC  
4 and Consecro Service, LLC (the "New Defendants");

5 Whereas, on August 20, 2007, pursuant to the stipulation of the parties, this Court set a  
6 briefing schedule on the motions to dismiss filed by the New Defendants mandating that the  
7 New Defendants would file their Motion to Dismiss Plaintiff's Second Amended Complaint on  
8 or before September 14, 2007; that Plaintiff would have until November 14, 2007 to conduct  
9 discovery on jurisdictional issues raised by New Defendants' Motion to Dismiss, that Plaintiff  
10 would file his response to New Defendants' Motion to Dismiss on or before November 29,  
11 2007; and that the New Defendants would file their Reply in Support of Motion to Dismiss on  
12 or before December 20, 2007. The Court also set a hearing on the New Defendants' Motion to  
13 Dismiss for January 4, 2008, at 9:00 a.m.;

14 Whereas, subsequent to the Court's August 20, 2007 Order Plaintiff served discovery on  
15 the New Defendants and noticed depositions regarding the jurisdictional issues raised in the  
16 New Defendants' motion to dismiss;

17 Whereas, in response to Plaintiff's discovery requests, Defendants are continuing to  
18 review and compile documents responsive to the requests, and the parties are presently  
19 coordinating the previously noticed jurisdictional depositions;

20 Whereas, the parties therefore jointly request additional time for jurisdictional discovery  
21 and an extension of the briefing schedule;

22 IT IS HEREBY STIPULATED by and between Plaintiff and the New Defendants to  
23 amend the briefing schedule and hearing date on the New Defendants' motion to dismiss as  
24 follows:

25 Plaintiff shall have until January 22, 2008 to complete jurisdictional discovery;

26 1. Plaintiff shall file his opposition to the New Defendants' motions to dismiss on or  
27 before February 15, 2008;

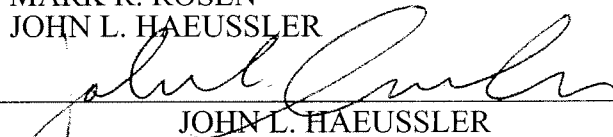
2. New Defendants shall file their reply in support of their motions to dismiss by March 7, 2008; and

3. The hearing will take place on March 21, 2008 at 9:00 a.m.

DATED: November 20, 2007

Respectfully submitted,

BARRACK, RODOS & BACINE  
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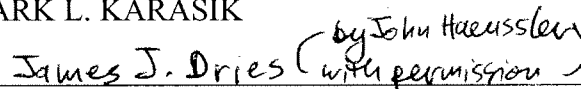
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DATED: November 20, 2007

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Attorneys for the Defendants Conseco Insurance  
Company, Conseco, Inc. and 40/86 Advisors, Inc.  
and Conseco Marketing, LLC and Conseco  
Services, LLC.

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED 11/29, 2007



The Honorable Ronald M. Whyte  
United States District Court Judge

**CERTIFICATE OF SERVICE**

*In re Conseco Insurance Co. Annuity Marketing & Sales Practices Litig.*  
Case No.: C-05-04726 RMW

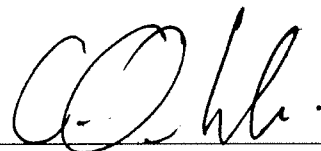
I, the undersigned, state that I am employed in the City and County of San Diego, State of California; that I am over the age of eighteen (18) years and not a party to the within action; that I am employed at Barrack, Rodos & Bacine, 402 West Broadway, Suite 850, San Diego, California 92101; and that on November 20, 2007, I served a true copy of the attached:

**STIPULATION AND [PROPOSED] ORDER RE AMENDED COMPLAINT**

to the parties listed on the attached Service List by the following means of service:

- ☒ **BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service as indicated on the attached Service List.
- ☒ **BY E-MAIL:** I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- ☒ **BY MAIL:** I placed a true copy in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It was deposited with the U.S. Postal Service on that same day in the ordinary course of business and there is a regular communication by mail between the place of mailing and the place so addressed.
- ☐ **BY FACSIMILE:** From facsimile number (619) 230-1874 at \_\_\_\_\_ a.m./p.m., I caused each such document to be transmitted by facsimile machine to the parties and numbers indicated on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 20th day of November, 2007.



CINDY ORIHUELA

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\*\* Denotes service by U.S. Mail and E-mail.

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